

1 addition to any e-mail copy we would give
2 you? Separate --

3 ADMIN. JUDGE STEINBERG: If you
4 want to e-mail -- well, okay. If you want
5 to e-mail me a PDF --

6 MR. KAUFMAN: Yes.

7 ADMIN. JUDGE STEINBERG: --
8 that's great. That's even better.

9 MR. KAUFMAN: So, that would
10 replace the fax?

11 ADMIN. JUDGE STEINBERG: Yes.

12 MR. KAUFMAN: So, I think when we
13 did our Notice of Appearance --

14 ADMIN. JUDGE STEINBERG: Yes.

15 MR. KAUFMAN: -- I e-mailed it to
16 you but without the page that Bob had. Do
17 you want me to go back and get that page?
18 No.

19 ADMIN. JUDGE STEINBERG: No.

20 MR. KAUFMAN: Just going forward.

21 ADMIN. JUDGE STEINBERG: In the
22 future. Yes.

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1 MR. KAUFMAN: Okay.

2 ADMIN. JUDGE STEINBERG: There
3 was something else. In the discovery stuff,
4 if there's a Motion for Production of
5 Documents, I don't want any documents. You
6 know, you can just -- if there's a cover
7 saying here are the documents or here are
8 the objections and whatever, that's all I
9 want. I don't want to load up my office
10 with documents. So, just -- if you'd just
11 let me know what's going on so I can sort of
12 follow, but I don't want any actual
13 documents that are produced.

14 If there are voluminous
15 attachments, I really don't want those
16 unless I have to rule on something and then
17 I think the rules provide now that if
18 there's a Motion to Compel or something like
19 that, you've got to attached all the
20 underlying documents. So, I'll get them
21 then, you know, with the attachments and
22 stuff and if I want something, one, my

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1 curiosity is peaked, then I'll call you and
2 ask for it or e-mail or something.

3 Any questions? Yes, Mr. Kaufman.

4 MR. KAUFMAN: I don't know if
5 this is for the record, but I guess it can't
6 hurt. Mr. Keller and I have agreed that at
7 least for those items that are 4 megabytes
8 and less, we are willing to accept service
9 by e-mail so that we don't need any other
10 copies. I don't know what Mr. Bishop's
11 thing that he filed yesterday says on that.
12 Although, you did say --

13 ADMIN. JUDGE STEINBERG: It
14 doesn't say anything.

15 MR. KAUFMAN: -- you did say it
16 contained an e-mail address. Didn't you --

17 ADMIN. JUDGE STEINBERG: Yes.

18 MR. KAUFMAN: -- in your -- and I
19 was just curious as to -- first, I was
20 curious as to whether the other people
21 present here today would also be willing to
22 accept service by e-mail and secondly, we're

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1 going to make an offer that if it were the 4
2 megabytes and you need to do paper copies
3 for the people -- the two companies and Mr.
4 Austin, you can just send us one, send it to
5 me and then I'll make a copy for Mr. Keller.
6 So, you don't have to make two paper copies
7 if you don't want and just hear what
8 everybody else has to say so we can have
9 something going forward.

10 ADMIN. JUDGE STEINBERG: Anybody
11 have any -- yes, Mr. Silva.

12 MR. SILVA: Your Honor, we would
13 support that process.

14 ADMIN. JUDGE STEINBERG: Okay.
15 Okay. And then if Mr. Bishop has any
16 objection, he's not here to state it. So.

17 MR. SILVA: Your Honor, so this
18 would be in lieu of the service by --

19 ADMIN. JUDGE STEINBERG: By mail.

20 MR. SILVA: -- by mail and you
21 just --

22 ADMIN. JUDGE STEINBERG: Well,

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1 courier or whatever.

2 MR. SILVA: Okay.

3 ADMIN. JUDGE STEINBERG: Unless
4 somebody wants to buy the three extra days
5 and I would suppose if it's that big, you
6 know, you'd just ask for an extension and
7 everybody would agree to the extension
8 because it's silly not to.

9 Okay. Let's go off the record
10 and talk about dates.

11 (Whereupon, at 9:54 a.m., off the
12 record until 10:16 a.m.)

13 ADMIN. JUDGE STEINBERG: While we
14 were off the record, we agreed on a
15 procedural schedule and let me read it into
16 the record and then I'll confirm it by
17 order.

18 February 15th, 2008 will be the
19 last date for filing any discovery requests.

20 Oh, we forgot a date, but we'll
21 get back to that.

22 And discovery requests will be

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1 notices -- interpreted as Notices of
2 Deposition, interrogatories, Motions for
3 Production of Documents. Requests for
4 Admissions are not discovery requests.

5 April 7th, 2008 will be the date
6 for completion of all discovery and by
7 completion, that means everything is
8 finished. That there's nothing left to do
9 on anything including the filing of -- if
10 you're filing a Motion to Compel or anything
11 like that, file it well enough in advance so
12 that the April 7th date would be realistic.

13 May 5th, 2008 will be the
14 exchange by the Enforcement Bureau of direct
15 case exhibits, stipulation and a list of
16 witnesses if any to be called for oral
17 testimony and I'll have a little footnote in
18 the order basically saying the witness list
19 should contain a brief summary of the
20 prospective testimony of each witness if you
21 know what that's going to be because some of
22 the witnesses won't be under your control.

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1 On May 19th, 2008, will be the
2 exchange of the direct case exhibits by --
3 I'm calling -- I'll call them for you the
4 caption parties. That's all the parties
5 listed in the caption of this case. So,
6 it's their exchange of direct case exhibits,
7 stipulation and a list of witnesses, if any,
8 to be called for oral testimony.

9 May 19th, 2008, the caption
10 parties will notify the Bureau of the
11 witnesses that they desire to cross examine
12 at the hearing.

13 June 2nd, 2008, there will be an
14 admissions session and also on that date,
15 the Enforcement Bureau will notify the
16 caption parties of the witnesses that the
17 Bureau would like for cross examination and
18 that can be done at the admissions session.

19 June 10th, 2008 will be
20 commencement of the hearing at 9:00 a.m. in
21 the Commission's Washington, D.C. offices
22 which is this room.

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1 Okay. Does everybody agree to
2 that schedule? Mr. Oshinsky?

3 MR. OSHINSKY: Yes, Your Honor.

4 ADMIN. JUDGE STEINBERG: Mr.
5 Keller?

6 MR. KELLER: Yes. Let me just
7 clarify. May 19th was the same date for the
8 notification and the exhibit exchange by us.
9 Correct?

10 ADMIN. JUDGE STEINBERG: Yes.

11 MR. KELLER: Okay. Yes, that's
12 fine. That's acceptable.

13 ADMIN. JUDGE STEINBERG: And Mr.
14 Silva?

15 MR. SILVA: Yes, it is, Your
16 Honor.

17 ADMIN. JUDGE STEINBERG: Okay.
18 Now, we forgot the date for -- do you have
19 any objections to extending the date for
20 Request for Admissions?

21 MR. OSHINSKY: No, Your Honor.

22 ADMIN. JUDGE STEINBERG: Okay.

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1 Pick a date.

2 MR. OSHINSKY: As long as it's
3 reasonable.

4 MR. KELLER: All right. Let us
5 talk to you afterwards and if we can agree
6 on a date, we'll let you know.

7 ADMIN. JUDGE STEINBERG: Okay.
8 Is that fine?

9 MR. KELLER: Yes.

10 MR. OSHINSKY: Yes, I guess.

11 MR. KELLER: I just need to find
12 out because we haven't had a chance to
13 consult. I mean the main reason for this
14 was we're just now getting involved in the
15 case.

16 It's not going to be a long
17 period. It's going to be a very -- the date
18 that I'm going to suggest to you is going to
19 be consistent with what's in the rules now
20 minus our late start.

21 MS. SINGH: Your Honor, may we go
22 off the record briefly to discuss the date

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1 that counsel is proposing and then you can
2 reflect in your final offering.

3 ADMIN. JUDGE STEINBERG: Okay.

4 MS. SINGH: Thank you.

5 (Whereupon, at 10:20 a.m., off
6 the record until 10:25 a.m.)

7 ADMIN. JUDGE STEINBERG: We
8 agreed on an additional date. September
9 28th, 2007 will be the final date to serve
10 Requests for Admissions and even though the
11 Bureau has filed its Request for Admissions,
12 they can file additional requests if they
13 wish and then I'll leave it up to the good
14 -- in terms of responding to the Request for
15 Admissions, I'll leave it up to the good
16 faith of the parties to come up with a
17 reasonable date for the responses and if
18 they can't agree, then they can come to me
19 and I'll make up a date. Okay.

20 Anything further we need to
21 discuss? Mr. Oshinsky?

22 MR. OSHINSKY: No.

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1 ADMIN. JUDGE STEINBERG: Mr.
2 Keller, Mr. Kaufman and Mr. Silva?

3 MR. SILVA: No, Your Honor.

4 ADMIN. JUDGE STEINBERG: Okay.
5 Then we'll go off the record. Thank you
6 very much.

7 MR. SILVA: Thank you.

8 MR. OSHINSKY: Thank you.

9 MS. SINGH: Thank you, Your
10 Honor.

11 (Whereupon, the pre-hearing
12 conference was concluded at 10:26 a.m.)
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